

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Timothy Garrett,)
Plaintiff,) Civil Action No. 6:07-4013-MBS-WMC
vs.)
Larry W. Powers, Director of)
Spartanburg County Jail; Lt. William)
Church; Officer Kunnak,)
Defendants.)
REPORT OF MAGISTRATE JUDGE

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On June 24, 2008, the defendants filed a motion for summary judgment. On June 25, 2008, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the plaintiff's last known address (Spartanburg County Detention Center, 950 California Avenue, Spartanburg, SC 29303) advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at Spartanburg County Detention Center.¹

The record reveals that the plaintiff was advised by order dated January 9, 2008, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

July 7, 2008
Greenville, South Carolina

s/William M. Catoe
United States Magistrate Judge

¹An order previously mailed to the plaintiff on June 6, 2008, was also returned, marked "Not deliverable as addressed; unable to forward."